

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:19-cv-255-FDW-DCK

UNITED STATES OF AMERICA)	
)	
v.)	
)	
APPROXIMATELY \$62,148 IN U.S.)	DEFAULT JUDGMENT
CURRENCY SEIZED ON FEBRUARY 7, 2019)	
FROM THE ATTIC OF A RESIDENCE AT 2001)	
SLOAN DRIVE, CHARLOTTE, NORTH)	
CAROLINA, DURING THE APPREHENSION)	
OF DEMARIS KENTA SIMPSON)	

THIS MATTER is before the Court on the United States of America’s Motion [Doc. 7], pursuant to Fed. R. Civ. P. 55(b)(2), for Default Judgment in this case. For good cause shown, the Court will GRANT the Motion and enter Default Judgment. In support hereof, the Court finds as follows:

I. Background

On June 3, 2019, the Government filed a verified Complaint for Forfeiture *in rem* [Doc. 1] of the above-captioned funds (hereafter “Funds”). The Government contended that the Funds are proceeds of drug trafficking and/or were used or intended to be used to facilitate drug trafficking in violation of 21 U.S.C. §§ 841 and/or 846. Thereafter, the Clerk issued a Warrant of Arrest *in rem* [Doc. 2] for the properties already in law enforcement possession, all in compliance with Fed. R. Civ. P. Supp. R. G(3)(b).

Then, the Government provided notice by publication as to all persons in the world with potential claims to the Funds. Specifically, from June 5, 2019 through July 4, 2019, the Government published notice via www.forfeiture.gov as shown on the Submission of Declaration

of Publication dated and filed on July 5, 2019 [Doc. 3]. Based on that notice, the deadline for filing claims was August 5, 2019. The Government also submitted direct notice to individuals and entities with potential claims to the Properties as shown on the Notice of Service (Direct Notice) and filed on July 5, 2018 [Doc. 4]. Specifically, the Government provided direct notice to the following known potential claimants who had been at the scene of the seizure of the Funds and/or otherwise expressed an interest in the Funds:

Latoya Sasha Danielle Scott
Damaris Kenta Simpson
Synquis Carpenter
Pamela Carpenter

None of these individuals to whom the Government sent direct notice have filed a claim, and the time for filing a claim has expired.

Based on the foregoing, process has been fully issued and returned according to law and no other claims have been filed within the time period provided by law. Therefore, on September 13, 2019 on Motion [Doc. 5] of the Government, the Clerk of Court entered a default pursuant to Fed. R. Civ. P. 55(a) [Doc. 6]. Thus, default judgment is now appropriate.

II. Legal Conclusions

Fed. R. Civ. P. 55(b) provides for entry of the requested Default Judgment by the Court. Here, the United States has provided notice of forfeiture in accordance with Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G. Further, the time period for filing claims has expired, and no claims have been filed. Finally, the Clerk has entered default. Therefore, the requested Default Judgment is appropriated.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the Government is entitled to a Judgment of Forfeiture by Default against the Defendant Property.


III. JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for Default Judgment is hereby GRANTED.
2. Any and all right, title, and interest of all persons in the world in or to the Defendant Property is hereby forfeited to the United States, and no other right, title, or interest shall exist therein:

Approximately \$62,148 in U.S. currency seized on February 7, 2019 from the attic of the residence at 2001 Sloan Drive, Charlotte, North Carolina, during the apprehension of Demaris Kenta Simpson

Signed: December 4, 2019


Frank D. Whitney
Chief United States District Judge 